

ADDITIONAL FEE:

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R E M A R K S

The Office Action issued June 15, 2005 has been received and its contents have been carefully considered.

The provisional allowance of claims 5-8, 12, 13 and 15-18 is noted with appreciation.

The specifications and claims of this application have been carefully reviewed and amended throughout to render them consistent and readily understandable as required by 35 USC §112.

For example, the term "tightening strap" has been changed to -- tension element -- throughout the Background and Summary of the Invention. Also, the term "tightening device" has been changed to -- tightening fitting --.

Various informalities, such as the term "e.g." claim 1, have been removed.

Finally, the written description of the opening mechanism and its operation, which appears in the paragraph bridging pages 7 and 8 has been amended to clearly describe this subject matter. In general, at least one of the

tightening or adjustment fittings has a opening mechanism which, when operated, opens the tightening or adjustment fitting. This has the same effect as manually opening it, namely, to release the tension in the tension element and thus to free the cover from the coaming. The opening mechanism is acted upon by a release device which is positioned above the legs of the person sitting under the spray cover. If the person raises his/her legs, as he or she would do in sitting under a conventional spray cover, the release device is actuated by raising the legs and transfers this movement to the opening mechanism to open it.

In its preferred embodiment, the release device is simply a band positioned at the outside of the spray cover and connected at both ends to the spray cover with practically no slack. This release band is connected by a cord to the opening mechanism in or at one of the fittings. Since the spray cover is usually made of elastic material and/or is larger in size than the opening in the boat, the spray cover can be moved up by the legs of the kayaker. As the release band has little or no slack, it is quickly pulled tight when this happens and exerts a pull on the cord leading to the opening mechanism, resulting in the desired opening of the fitting.

Attached to this Amendment is a black/white photo of this implementation of the release device.

Claims 1-4, 14 and 19 have been rejected under 35 USC §103(a) as being unpatentable over the patents to Galea and McIntire. Galea shows the "classical" spray cover or spray skirt in which an elastic member, for example an elastic shock cord 34 (Fig. 2 and column 5, lines 1 to 11) is used for attaching the cover to the coaming of the boat. The shock cord (also termed "bungee cord" in McIntire) is made endless by means of a knot 35, shown only in Fig. 2, but not described. Galea is silent on how the shock cord 34 is used in practice to attach the cover to the boat. But because the cord is apparently highly stretchable (as is a bungee cord) one has to assume that the shock cord for attaching the cover is expanded by hand and placed into the coaming channel, as described on pages 1 and 2 of this application. The knot 35 is apparently used only to basically adjust the length of the loop formed by the cord to the particular size of the coaming.

Claim 1, the only independent claim in this application thus recites two features of a "tension element" for a spray or hatch cover for boats which are neither disclosed nor suggested by this prior art:

(1) The tension element "can be expanded by hand only with great difficulty"; i.e., it is not substantially elastic, and

(2) The tension element includes "at least one manually-operable tightening fitting for tightening the tension element."

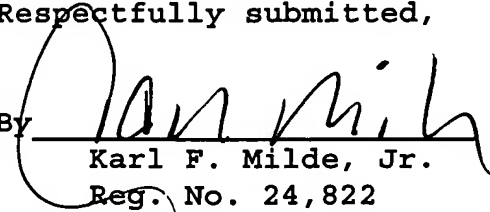
As explained in the application specification, this arrangement is not only more secure than an expandable (elastic) tension element, but it can also be more easily installed and removed from a coaming than the expandable tension elements of the prior art.

Since claim 1 distinguishes patentably over the cited references, and since all the remaining claims are dependent therefrom and recite unique features in addition thereto, all the claims of this application are believed to distinguish patentably over this prior art.

A Notice of Allowance is accordingly respectfully solicited.

Respectfully submitted,

By


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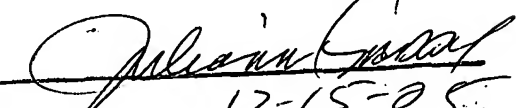
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